

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

**REMARKS/ARGUMENTS**

Reconsideration of the application is requested.

Claims 1-6 and 8-10 remain in this application. Claims 1 and 8 have been amended.

In item 2 on page 2 of the above-identified Office action, claim 1, 2, and 8-10 have been rejected as being anticipated by Oehm (U.S. Patent No. 5,897,135) under 35 U.S.C. § 102.

The rejection has been noted and claims 1 and 8 have been amended in an effort to even more clearly define the invention of the instant application.

More specifically, claims 1 and 8 have been clarified by defining that the airbag module (B) includes the airbag (S). Support for this change may be found in the first two lines on page 9 of the English translation of the application.

Claims 1 and 8 have further been clarified by defining that the first mechanism (M1) is firmly connected to the airbag module (B), and that the second mechanism component (M2) is firmly connected to the covering device (K). Support for this change may be found on page 9, lines 9-11 of the English translation of the application.

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

Claims 1 and 8 have furthermore been clarified by defining that the airbag module (B) and the first mechanism component (M1) form a structural assembly to be handled as a structural unit ready for installation. As a result, the structural assembly (formed by the first mechanism component M1 and the airbag module B) can be installed separately from the second mechanism component (M2). Separate installation of this structural assembly allows installing the airbag module and the associated pyrotechnic charge fairly late during the assembly process. This is important because a late installation of the airbag module avoids the dangers of having assembly work done near a pyrotechnic charge. Support may be found on page 9, line 13 to page 10, line 5 of the English translation of the application.

The Examiner's rejection of claims 1, 2, and 8-10 on pages 2 and 3 of the Office action is confusing because the first sentence of item 2 on page 2 of the Office action states that claims 1, 2 and 8-10 are rejected as being anticipated by Oehm. However, the rejection seems to use disclosure from the patent to Oehm as well as the patent to Rogers et al. (U.S. Patent No. 5,398,961). For example, the Examiner interprets the drive wheel 56 of Oehm as a first mechanism component but also seems to interpret the strap 28 of the patent to Rogers

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

et al. as a first mechanism component. Further, the Examiner interprets the pulling strip 57 of Oehm as a second mechanism component but also seems to interpret the strap 30 of Rogers as a second mechanism component.

The Examiner possibly copied part of the rejection of item 5 on page 2 of the Office action dated April 30, 2003 into the Office action dated October 16, 2003 and then copied part of the rejection under item 6 of the Office action dated October 16, 2003 into the rejection under item 2 of the Office action dated April 26, 2004 without changing the reference numerals.

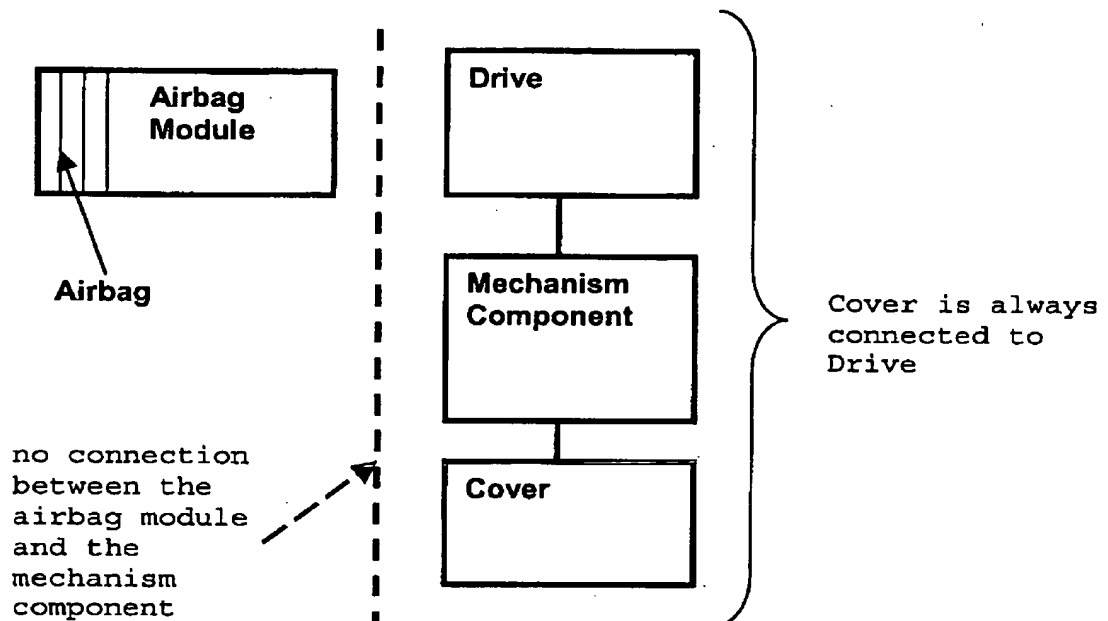
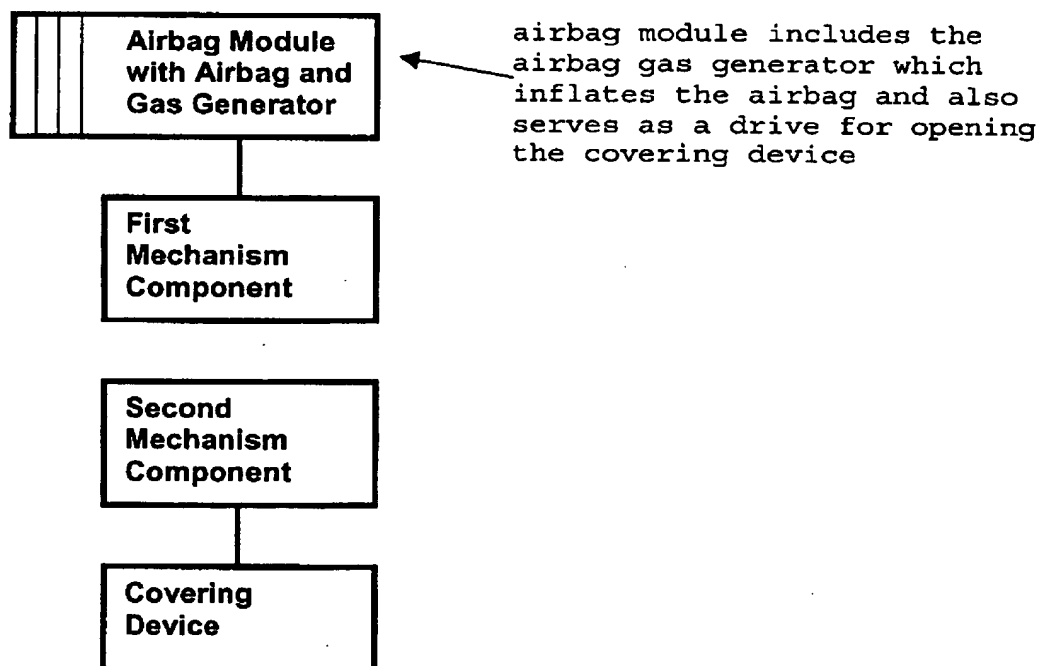
In the following, it is assumed that the Examiner intended to make an anticipation rejection using the patent to Oehm. It is therefore assumed that in item 2 of the Office action the "first mechanism component 28" should be the "first mechanism component 56," the "second mechanism component 30" should be the "second mechanism component 57."

In order to explain the differences between the airbag apparatus of Oehm and the airbag apparatus of the present invention, applicants provide schematic drawings.

Appl. No. 10/068,721

Amndt. dated July 16, 2004

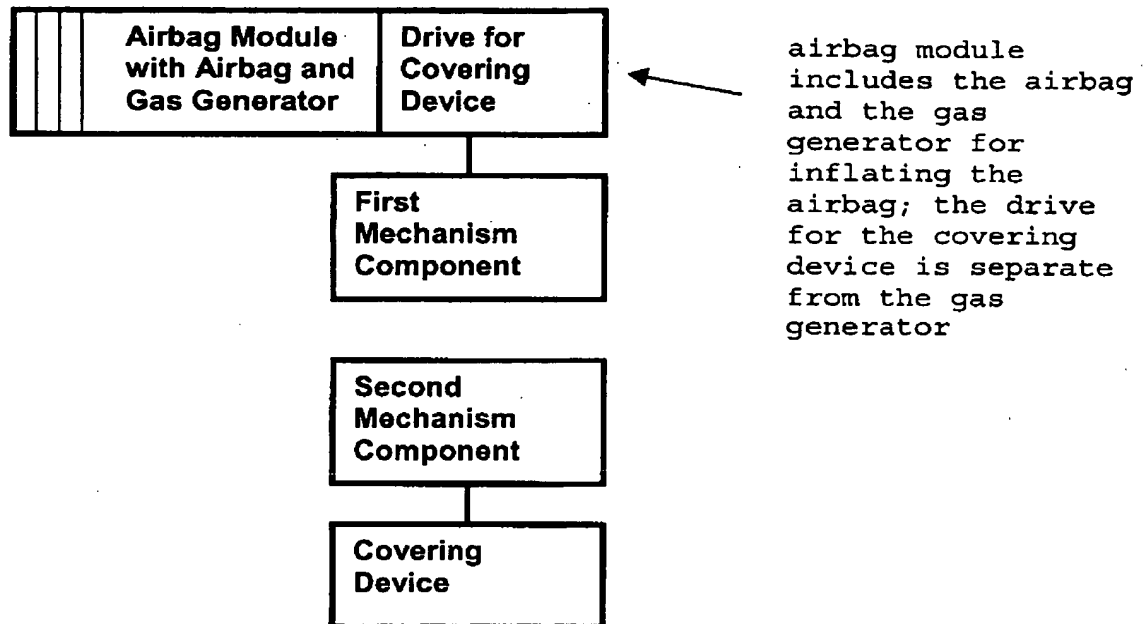
Reply to Office action of April 26, 2004

Oehm (US 5,897,135)First Embodiment of Present Invention:

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

**Second Embodiment of Present Invention:**

The above schematic diagrams illustrate differences between the airbag apparatus of Oehm and the airbag apparatus of the present invention. The airbag module of Oehm is not firmly connected to the mechanism components that pull the cover into the open position. In contrast, the airbag module of the present invention is firmly connected to the first mechanism component that pulls the cover into the open position.

- A) Oehm does not show or suggest the limitation of a firm connection between an airbag module and a mechanism component for opening a cover

The Examiner interprets the drive wheel 56 shown in Fig. 3 of the patent to Oehm as the first mechanism component. Neither

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

Fig. 3 nor the description of the preferred embodiments of Oehm discloses a firm connection between the airbag module 2 and the drive wheel 56.

The airbag apparatus of Oehm has no firm connection or coupling between the airbag module 2 and the mechanism components 56, 57. In contrast, the present invention requires that the first mechanism component be firmly connected to the airbag module.

Oehm teaches that the airbag module 2 and the mechanism components 56, 57 for pulling the cover 12 into the open position are mechanically separated from one another. Col. 4, lines 50-64 explain that the cover removal means 14 are independent of the airbag.

Oehm teaches opening the cover 12 with an electric motor that turns the drive wheel 56 (first mechanism component). In other words the first mechanism component (drive wheel 56) of Oehm is connected to the electric motor but not to the airbag module (col. 6, lines 1-7). Also, it would make no sense to firmly connect the drive wheel 56 of Oehm to the airbag module because it is desirable to install the airbag module with its pyrotechnical components separately and as late a possible in

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

the assembly process due to the fact that specifically trained experts are required to install the airbag module.

In contrast, the present invention requires that the first mechanism component M1 is firmly connected to the airbag module B. Clearly, Oehm does not show or suggest the limitation of the first mechanism component being firmly connected to the airbag module, as recited in claim 1 of the instant application.

B) Oehm does not show or suggest the limitation of the airbag module and the first mechanism component forming a structural assembly to be handled as a structural unit ready for installation

Fig 3. of Oehm shows the drive wheel 56 which the Examiner interprets as the first mechanism component for pulling the cover into the open position. Reference numeral 2 in Fig. 1 of Oehm indicates an airbag module which includes an airbag, enclosed by an airbag container 4, and a gas generator (col. 4, lines 41-48). Nowhere in the patent to Oehm is there any disclosure or suggestion to provide the airbag module 2 and the drive wheel as a structural assembly to be handled and installed as a structural unit. The patent to Oehm does not deal with the installation of the airbag device. However, a person of skill in the art will make a clear distinction

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

between the installation of a simple mechanical component like the drive wheel 56 and the installation of pyrotechnical components which are present in airbag modules. If anything, a person of skill in the art will be motivated to first install any mechanical components for opening the airbag cover and then to install the airbag module as late as possible and separately from the mechanical components for opening the airbag cover because of safety reasons and because the airbag module must be installed by an expert. Thus Oehm does not show or suggest providing the airbag module and the first mechanism component as a structural assembly to be handled as a structural unit ready for installation.

- C) Oehm does not show or suggest the limitation of the second mechanism component being configured to be installed separately from the first mechanism component

The Examiner labeled the drive wheel 56 in Fig. 3 of Oehm as the first mechanism component and the pulling strip 57 as the second mechanism component. Nowhere in the patent to Oehm is there any disclosure that would suggest that the pulling strip 57 is to be installed separately from the drive wheel 56. In other words, there is no disclosure that the pulling strip 57 is wound onto the drive wheel 56 after the drive wheel 56 has been installed in the dashboard. It would not even make sense to install the drive wheel 56 and the pulling strip 57



Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

separately because it would be awkward and difficult to wind the pulling strip 57 onto the drive wheel 56 after the drive wheel has been installed. A person of skill in the art would install the drive wheel 56 with the pulling strip 57 already wound onto it because it is easier to wind the pulling strip 57 onto the drive wheel 56 before installing the drive wheel 56 than after installing the drive wheel behind a dashboard. Thus, Oehm does not show or suggest the limitation of the second mechanism component being configured to be installed separately from the first mechanism component.

In summary, Oehm discloses an airbag apparatus, including:

- an airbag module 2 including an airbag (in airbag container 4) configured to expand by gas inflation;
- a covering device 12 having a closing position and an open position;
- the airbag being accommodated behind the covering device 12 when the covering device 12 is in the closing position;
- a mechanism configured to pull the covering device 12 from the closing position to the open position in order to allow an expansion of the airbag;
- the mechanism including a first mechanism component (drive wheel 56), and a second mechanism component (pulling strip 57), which is firmly connected to the covering device 12;

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

However, Oehm does not disclose or suggest the limitations of:

- the first mechanism component (drive wheel 56) being firmly connected to the airbag module;
- the airbag module 2 forming, together with the first mechanism component 56, a structural assembly to be handled as a structural unit ready for installation; and
- the second mechanism component 57 being configured to be installed separately from the first mechanism component 56, as recited in claim 1 of the instant application.

Claim 1 is therefore patentable over Oehm. It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-6 and 8-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, the Examiner is respectfully requested to telephone counsel so that, if possible, patentable language can be worked out. In the alternative, the entry of the

Appl. No. 10/068,721

Amndt. dated July 16, 2004

Reply to Office action of April 26, 2004

amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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